

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IVAN ALEXANDROVICH VETCHER,

Plaintiff,

- against -

IMMIGRATION AND CUSTOMS ENFORCEMENT  
AGENT #1 AND IMMIGRATION AND CUSTOMS  
ENFORCEMENT AGENT #2 ,

Defendants.

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**POLLAK, United States Magistrate Judge:**

On February 23, 2016, Plaintiff Ivan Alexandrovich Vetcher,<sup>1</sup> appearing *pro se*, filed this action pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388, 389-98 (1971) and other federal statutes in the Northern District of Texas. By Order dated July 22, 2016, the district court in Texas granted Plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Filing Fee Order, Doc. #17.) On November 29, 2018, the claims alleging excessive force by two unidentified Immigration and Customs Enforcement ("ICE") agents at and near John F. Kennedy ("JFK") Airport in Queens were severed from the original case and transferred to this Court. (Order, Doc. #58.)

Plaintiff alleges that on March 3, 2015, ICE Agent #1 used excessive force against him at JFK Airport. (Am. Compl., Doc. #15 at 12-13.) Plaintiff further alleges that on March 4, 2015, ICE Agent #2 used excessive force by "tightening the handcuffs on plaintiff's abraded, swollen and numb hands" and also "jammed his thumb on the inside of plaintiff's swollen wrists forcefully wiggling, with intentional malice to cause injury." (*Id.* at 14.)

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<sup>1</sup> Plaintiff commenced the action while detained in Haskell, Texas but has since been removed from the United States, although he has provided a mailing address in Richardson, Texas. (*See* Order, Doc. #58 at 1.)

Because the ICE Agents are not identified, the Court cannot direct service of process and requests that the United States Attorney's Office for the Eastern District of New York assist the Court in identifying the two ICE Agents who were allegedly involved in the events that occurred on March 3, 2015 and March 4, 2015 as set forth in Plaintiff's amended complaint.

Accordingly, the Court hereby requests that the United States Attorney's Office ascertain the full name of the two ICE Agents allegedly involved in the events that occurred on March 3, 2015 and March 4, 2015 and to provide the addresses where these Defendants can currently be served within 45 days from the date of this Order. *See Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997) (*per curiam*) (the Second Circuit made clear that a *pro se* litigant is entitled to assistance from the district court in identifying a defendant.) The United States Attorney's Office need not undertake to defend or indemnify these individuals at this juncture. This Order merely provides a means by which Plaintiff may name and properly serve the Defendants as instructed by the Second Circuit in *Valentin*.

Once this information is provided, Plaintiff's action shall be deemed amended to reflect the full name and badge number of each ICE Agent allegedly involved in the events set forth by Plaintiff, a summons shall be issued, and the Court shall direct service of the summons and amended complaint on the Defendants identified by the United States Attorney's Office without prepayment of fees. A copy of this Order and the amended complaint shall be served on the United States Attorney's Office for the Eastern District of New York and on the United States Department of Homeland Security, Immigration and Customs Enforcement.

SO ORDERED.

/s/ Cheryl L. Pollak

CHERYL L. POLLAK  
United States Magistrate Judge

Dated: Brooklyn, New York  
December 6, 2018